Supreme Court, U.S.
FILED
APR 17 1990
JOSEPH F. SPANIOL, JR.
CLERK

No. 89-1703

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1989

REGINALD B. SNYDER

PETITIONER

Vs.

SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA, Mr. CHRISTOPHER LEWIS

RESPONDENT

PETITION FOR A WRIT OF CERTIORARI TO THE PENNSYLVANIA SUPREME COURT M.D.

SUPREME COURT OF PENNSYLVANIA Misc. # 39

PETITIONER (215) 343- 2454

REGINALD B. SNYDER
2672 Bristol Rd.
Warrington, Pa. 18976
-1404

RESPONDENT (717) 787- 7630

CHRISTOPHER LEWIS
302 North Office Building
Harrisburg, Pa. 17120

QUESTIONS PRESENTED

1. Does "EQUAL JUSTICE UNDER THE LAW" apply to political matters in the courts?

2. Does "EQUAL JUSTICE UNDER THE LAW" apply to the challanger, as well as the incumbant in state politics?

3. Should a judge be allowed to lie about facts, to keep an incumbant on the ballot?

OPINION:- Judge Smith wrote that the record lacked competent evidence that nomination petitions were submitted to the Department of State without the required notary oath.

4. Did Judge Smith write this based on the record of case # 85 M.D. 1990?

5. Did Judge Smith make this up because the respondent is an incumbant?

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CASE USED AT STATE SUPREME COURT

NOMINATION OF CIANFRANI 467 Pa. 491, 359 A. 2d 383, 384 (1976)

NOTE: above DOES appear in brief to state supreme court.

USED TO SUPPORT MY RIGHT TO DUE PROCESS

Kasper v. Helfrich Mo. App 421 S W 2D 66,69

Pennywell v. Rushen, 706 F 2d 355 (9th Cir. 1983)

People v. Russel 70 Reptr 210 215 448 P 2D 794

Sarelas v. Sheehan, 326 F. 2d 490 (7th Cir)

CERTIORARI MUST BE GRANTED

Certiorari must be granted, as the state court system is upholding a lie!

JURISDICTIONAL STATEMENT

Jurisdiction is pursuant to the U.S. Constitution Article III Sections 1., and 2. Jurisdiction is also pursuant to my right to due process THERE HAS BEEN NO RULING IN MY CASE AT THIS PRESENT TIME: See People v. Russel, and Kasper v. Helfrich - when a litigant deems an absolute right, the option of not doing or discretion disappears.

The time involved is within the ninety day requirement from the State Supreme Court order of April 6th 1990.

Considering time, venue, and authority, and right of due process this court has jurisdiction over this case.

REVIEW OF THE JUDGE'S OPINION

The trial court judge in fact wrote in her opinion that persons appeared before the notaries, and that the notarization was proper. The transcripts show sworn testimony that only six persons appeared, and did not swear to the oath of the circulator. Hence the opinion of Judge Smith is untrue.

REVIEW OF APPEAL TO Pa. SUPREME COURT

The case was appealed to the Pa. Supreme Court, and dismissed with a one line affirmation of the lower court decision.

The dismissal was improper as no case law was cited, and the Ruling that the Appellant asserted he had a right to under the Pa. Constitution, was circumvented. SEE CASE LAW NEXT PAGE

REVIEW OF APPEAL TO Pa. SUPREME COURT

When states create appellate rights, the process cannot be arbitrary, unfair, or rendered a nullity. See: Pennywell v. Rushen, and Sarelas v. Sheehan.

ARGUMENT

Without an oral oath the authorities lose control of the election process because the charge of perjury is eliminated as a means of policing the election process.

An oath is a public oral declaration, and an affidavit is never legal without an oath.

This case involves nomination sheets for a candidate and the law requires affidavits to be filed as a part of each sheet.

Judge Smith wrote that the record lacked competent evidence that the required notary oath was not given to the circulators of the petition sheets.

ARGUMENT CONTINUED

However the official court transcripts show otherwise.

FOR EXAMPLE:

Pg. 83 Line 12 Notary Butterworth testifies that all she knows about affidavits is that you identify the person that is signing.

Pg. 84 Line 25 Notary Butterworth testifies that she does not administer any oath.

Pg. 36 Line 15 Notary Daddis testifies that many petitions were mailed in to be notarized, she further stated that she could not estimate how many were mailed in.

Pg. 37 Line 6 Notary Daddis testifies that the extent of an oath is to identify the person that is signing.

The sheets in question are the sheets of an incumbant, and equal justice under the state election law is questioned.

CONCLUSION

Appellant requests the Supreme Court of the United States by Judges of said Court:

To review enclosed information, and upon agreement that appellant was denied a proper due process, and upon agreement that appellee has not complied with Pennsylvania law pertaining to nomination petitions, issue an order, and a ruling removing the name Jean T. Wilson from the primary ballot to be printed for the May 15th General Primary of 1990.

Under section 3477 of the Pennsylvania election code the person with the greatest number of legal votes can be certified to the Secretary of the Commonwealth as nominated or entitled to an office.

CERTIFICATE OF SERVICE / VERIFICATION

I hereby certify that a true and exact copy of the foregoing brief was sent by first class mail to the person below, and that all of the statements made herein are true.

_____

Sworn and Subscribed This ____ Day of

_____ 1990.

BY _____

SERVICE TO CHRISTOPHER LEWIS
302 North Office Building
Harrisburg, Pa. 17120

SERVICE BY Reginald B. Snyder
2672 Bristol Rd.
Warrington, Pa. 18976 -1404

89- 1709

No. _____

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OCTOBER TERM 1989

REGINALD B. SNYDER

PETITIONER

v.

SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA, Mr. CHRISTOPHER LEWIS

RESPONDENT

PETITION FOR A WRIT OF CERTIORARI TO THE PENNSYLVANIA SUPREME COURT

SUPREME COURT OF PENNSYLVANIA Misc. # 39

PETITIONER (215) 343 -2454

REGINALD B. SNYDER
2672 Bristol Rd.
Warrington, Pa. 18976
-1404

RESPONDENT (717) 787 -7630

CHRISTOPHER LEWIS
302 North Office Building
Harrisburg, Pa. 17120

APPENDIX

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NOTE: SUBSQUENT ORDER FROM JUDGE SMITH ASSESSING COURT STENOGRAPHIC SERVICES OF 150.00 IS NOT INCLUDED IN THIS APPENDIX.

MEMORANDUM OPINION FILED: MARCH 20,1990
BY JUDGE SMITH

Before this court is the petition of Reginald B. Snyder to set aside the nomination petition of Jean T. Wilson, Candidate for the office of Representative to the General Assembly from the 144th Legislative District of Pennsylvania.

Petitioner has raised objections to notarization of Respondent's nomination petitions by a notary public, Patricia J. Daddis, who is employed on the staff of Respondent, contending that the employee is barred from acting as notary due to her direct interest in the outcome of the forthcoming May, 1990 primary election. Petitioner has failed to offer testimony or proof to support his objections.

Testimony presented by petitioner and Respondent demonstrate to the contrary inasmuch as Ms. Daddis has been employed by the Pa. House of Representatives since approximately 1977 having been employed in the office of Respondent since 1988. Her continued employment with the House of Representatives is determined not by the outcome of the election but rather by Republican Leadership of the House of Representatives, and Ms. Daddis fully expects to continue employment with the House of Representatives regardless of the outcome of the election. Therefore, a direct interest by Ms. Daddis in the May, 1990 primary election is not evident from the record, and thus any nomination petitions notarized by her will not be invalidated.

Objections were also raised to nomination petitions which purportedly were submitted to the Department of State without the required notary oath being given to the circulator affiant. The record lacks competent evidence to support this objection as well. Ms. Daddis testified that she properly notarized nomination petitions executed by affiants who personally appeared and signed in her presence. Counsel for the Respondent stipulated however that page 7 of the nomination petitions, containing five names, should be eliminated as the affiant did not personally appear before the notary.

Finally, Petitioner objected to page 28 of the nomination petitions which was circulated by Frank Lane but signed by Respondent as circulator.

A nomination petition will not be set aside where the circulator's affidavit is not signed by the actual circulator but by the candidate instead where as here the affiant's testimony showed sufficient knowledge as to persons signing the petition and that affiant did in fact confer with the actual circulator to determine compliance with requirements for circulator to determine compliance with requirements for circulation of nomination petitions. In Re Bunk, 120 Pa. Commonwealth Ct. 495 (1988), 548 A. 2d 1287; Petition of Defino, 25 Pa. Commonwealth Ct. 646, 362 A. 2d 467 (1976).

The evidence clearly established that Petitioner has failed to sustain his burden of proving objections which would support the setting aside of the nomination petition of Respondent Jean T. Wilson.

DORIS A. SMITH, JUDGE

IN RE: THE NOMINATION PETITION
OF JEAN T. WILSON, a Candidate
for the 144th Legislative
District,

REGINALD B. SNYDER,
Petitioner

) IN THE COMMONWEALTH COURT
) OF PENNSYLVANIA
)
)
) NO. 85 Misc. Dkt. 1990

O R D E R

AND NOW this 20th day of March, 1990, the Petition of Reginald B. Snyder to Set Aside the Nomination Petition of Jean T. Wilson is hereby dismissed. The Secretary of the Commonwealth of Pennsylvania is directed to certify the name of Jean T. Wilson to the proper election officials for inclusion on the ballot as a candidate for the office of Representative to the General Assembly for the 144th Legislative District of Pennsylvania

in the May 15, 1990 primary election, unless said candidate has withdrawn her nomination petition according to law.

The Prothonotary is directed to notify parties to this proceeding and counsel of record of this order and shall further certify a copy thereof to the Secretary of the Commonwealth of Pennsylvania.

Costs for stenographic services preformed at hearing in this matter shall be borne by Petitioner Reginald B. Snyder within thirty days of invoice to this Court by Foster Stenographic Services.

CERTIFIED FROM THE RECORD
AND ORDER EXIT
MARCH 22 1990

DORIS A. SMITH, JUDGE

C R Hostutler
Deputy Prothonotary- Chief Clerk

SUPREME COURT OF PENNSYLVANIA

MIDDLE DISTRICT

MILDRED E. WILLIAMSON
DEPUTY PROTHONOTARY

434 Main Capitol Build
P.O. Box 624
Harrisburg, Pennsylvania 17108
(717) 787- 6181

April 6, 1990

Reginald B. Snyder
2672 Bristol Rd.
Warrington, Pa. 18976-1404

In Re: Nomination Petition of Jean T. Wilson A Candidate for the 144th Legislative District.
Appeal of Reginald B. Snyder

No. 39 M.D. Appeal Docket 1990

Dear Mr. Snyder:

Enclosed please find certified copy of

Order for the above- captioned matter.

Sincerely yours,

MILDRED E. WILLIAMSON
DEPUTY PROTHONOTARY

cc: Dennis Sheffer,Esq. / Doris Smith / Cheif Clerk of Commwealth Court

IN THE SUPREME COURT OF PENNSYLVANIA

MIDDLE DISTRICT

IN RE: NOMINATION PETITION OF
JEAN T. WILSON,
A CANDIDATE FOR THE
144th LEGISLATIVE
DISTRICT

Appeal of Reginald B. Snyder

)
) No. M.D. Appeal Dkt. 1990
)

O R D E R

PER CURIAM:

AND NOW, this 5th day of April, 1990, the order of the Commonwealth Court is affirmed.

TRUE COPY FROM RECORD:
ATTEST: April 6, 1990

MILDRED E. WILLIAMSON, DEPUTY

PROTHONOTARY

CERTIFICATE OF SERVICE / VERIFICATION

I hereby certify that a true and exact copy of the foregoing appendix was sent first class mail to persons shown, and that all statements are true.

_____

Sworn and Subscribed This___ Day of _____ 1990.

By _____

Service to Dennis R. Sheaffer (717) 234-4121
111 North Front St.
P.O. Box 889
Harrisburg, Pa. 17108

And to Pa. State Supreme Court
434 Main Capitol Build.
P.O. Box 624
Harrisburg, Pa. 17108

Service By Reginald B. Snyder
2672 Bristol Rd.
Warrington, Pa. 18976 - 1404